

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA

JEFFREY D. CORDTZ,

Plaintiff,

VS.

JOHNSON LEGAL OFFICES, L.L.C.,  
FCI LENDER SERVICES, INC. and  
LARRY W. JOHNSON,

Defendants.

CIVIL ACTION FILE

1:21-CV-02003-MHC-LTW

**DEFENDANT JLO'S AND DEFENDANT LWJ'S MOTION TO STRIKE**

COME NOW JOHNSON LEGAL OFFICES, L.L.C. ("JLO") and LARRY W. JOHNSON ("LWJ"), co-Defendants in the above-styled civil action, and hereby file their Motion to Strike and show this honorable Court in support thereof as follows:

Rule 12(f) provides that “[t]he court may strike from any pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter. ...” Rule 56(c)(2) further provides that “[a] party may object that the material cited to support or dispute a fact cannot be presented in a form that would be admissible in evidence.” “Once a party makes a Rule 56(c)(2) objection, ‘the burden is on the proponent to show that the material is admissible as presented or to explain the admissible form that is anticipated.’ Fed. R. Civ. P. 56, advisory committee’s note to 2010 amendments.” Although the interpretations in the advisory committee notes are not binding, they are highly persuasive. *See*

Horenkamp v. Van Winkle & Co., Inc., 402 F. 3d 1129, 1132 (11th Cir. 2005).

The Administrative Agreement filed as Document 74-6; the Aspen Properties letter filed as Document 74-7; the FCI Borrower Welcome Letter filed as Document 74-8; the FCI Specialty Loan Servicing Agreement filed as Document 74-9; the FCI Monthly Statements filed as Document 74-15; the checks filed as Document 74-16; and the Of Counsel Agreement filed as Document 74-19 all are not properly authenticated nor are the admissible simply by attaching them to a brief. Additionally, none of the documents attached to the Plaintiff's brief opposing the summary judgment motion filed herein are public documents; consequently, they should be stricken. See Bryant v. Avado Brands, Inc., 187 F. 3d 1271 (11<sup>th</sup> Cir. 1999).

WHEREFORE, Defendant JLO and Defendant LWJ once again request that this honorable Court grant their Motion to Strike.

Respectfully submitted this 4<sup>TH</sup> day of January, 2022.

JOHNSON LEGAL OFFICES, L.L.C.

By: 

Larry W. Johnson

Georgia Bar No. 394896

Attorney for Defendant JLO and  
Defendant LWJ


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CordtzLJOSStrikeMotion01

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing DEFENDANT JLO'S AND DEFENDANT LWJ'S MOTION TO STRIKE was served upon all parties electronically via the Court's system, plus the following who was also served by mailing same by United States First Class Mail in a properly addressed envelope with adequate postage affixed thereon to ensure delivery, addressed as follows:

Shimshon Wexler, Esq.  
S WEXLER, L.L.C.  
2244 Henderson Mill Road  
Suite 108  
Decatur, GA 30345  
Attorney for Plaintiff

This 4<sup>TH</sup> day of January, 2022.

  
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Larry W. Johnson  
Attorney for Defendant JLO and  
Defendant LWJ

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